

**REMARKS**

Claims 1-3, 5-10, 12-15, 17-22, 24 and 25 have been examined. Claims 1, 2, 5-7, 12 and 25 have been rejected under 35 U.S.C. § 102(b) and claim 13 has been rejected under 35 U.S.C. § 103(a). Also, the Examiner has indicated that claims 15, 17-22 and 24 are allowed and claims 3 and 8-10 contain allowable subject matter, but are objected to as being dependent upon a rejected base claim.

**I. Preliminary Matters**

The Examiner has objected to Figures 3-5 as not being labeled “prior art.” In the September 28, 2006 Amendment, Applicant noted that Figures 3-5 are merely in-house knowledge that has never been published or made public. On page 4 of the current Office Action, the Examiner states that it is not seen why prior art would not encompass the in-house knowledge. Applicant submits that in order for knowledge to be considered “prior art” under 35 U.S.C. § 102, it must be known or used by “others,” patented or described in a publication, on public use or put up for public sale. Since the in-house knowledge has never been published or made public, etc., it therefore cannot fall under the statutory guidelines of 35 U.S.C. § 102, and thus, does not constitute prior art. Furthermore, Applicant has never designated the figures as “prior art” in the specification. Thus, the figures cannot constitute an *admission* of prior art. Rather, the specification heading for the pertinent section is labeled as “related art” and the figures are likewise labeled as “related art.” In this regard, Applicant refers the Examiner to

MPEP § 2129 (I) and (II), which indicates that the Applicant must identify the work as “prior art” for the information to constitute an admission of prior art status.

Also, on the Office Action Summary, the Examiner indicated that claims “2” and 8-10 are objected to. However, in view of the allowable subject matter indicated on page 4 of the Office Action (i.e., claims 3 and 8-10) and the fact that claim 2 was rejected in view of the prior art, Applicant assumes that the Examiner merely made a typographical error on the Office Action Summary.

## **II. Rejections under 35 U.S.C. § 102(b)**

The Examiner has rejected claims 1, 2, 5-7, 12, 14 and 25 under 35 U.S.C. § 102(b) as allegedly being anticipated by JP 64-11964 (“JP 964”) which was cited in the March 15, 2004 Information Disclosure Statement.

### **A. Claims 1 and 6**

By this Amendment, Applicant has incorporated the allowable subject matter of claims 3 and 8 into claims 1 and 6, respectively. Accordingly, Applicant submits that the rejection of claims 1 and 6 is now moot.

### **B. Claims 2, 5, 7, 12, 14 and 25**

Applicant submits that claims 2, 5, 7, 12, 14 and 25 are patentable at least by virtue of their dependency.

**III. Rejections under 35 U.S.C. § 103(a)**

The Examiner has rejected claim 13 under 35 U.S.C. § 103(a) as allegedly being unpatentable over JP 964. Applicant submits, however, that claim 13 is patentable at least by virtue of its dependency.

**IV. Allowable Subject Matter**

As set forth above, the Examiner has indicated that claims 15, 17-22 and 24 are allowed and claims 3 and 8-10 contain allowable subject matter, but are objected to as being dependent upon a rejected base claim. By this Amendment, Applicant has incorporated claims 3 and 8 into claims 1 and 6, respectively. Accordingly, claims 3 and 8 have been canceled, without prejudice or disclaimer.

**V. Conclusion**

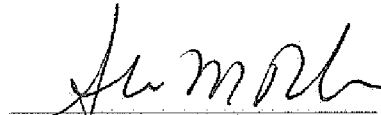
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.116  
U.S. Application No.: 10/799,882

Attorney Docket No. Q80300

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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